

**FILED**

MAY 21 2003

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

LARRY W. PROPPES, CLERK  
CHARLESTON, SC

PAUL K. VALDEZ, #1091924,  
Plaintiff,

CASE NO.: 8:03-1118-20BI

v.

CAPTAIN CLIFF MCELGOOGUE; BERKELEY  
COUNTY SHERIFF H. WAYNE DEWITT;  
SARGENT TONY RILEY; DOCTOR MARCUS  
SCHAEFER; and NURSE PAULA BRODIE,  
Defendants.

NOTICE OF MOTION AND  
MOTION FOR SUMMARY  
JUDGMENT

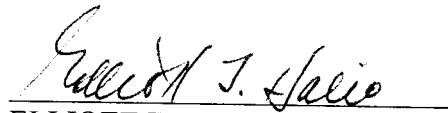
TO: PAUL K. VALDEZ, PLAINTIFF:

PLEASE TAKE NOTICE that the undersigned attorneys for the Defendants, Dr. Marcus Schaefer and Nurse Paula Brodie, will move and do move the Honorable United State District Court, District of South Carolina, ten (10) days hence, or as soon thereafter as counsel may be heard, for an Order pursuant to Rule 56 (b), granting them Summary Judgment on the ground that there is no genuine issue as to any material fact and that therefore they are entitled to judgment as a matter of law. The legal basis for this motion is set forth in Defendants' Memorandum in support of the Motion for Summary Judgment. In addition and in support of the Motion, the Defendants rely on the Plaintiff's Complaint, the Defendants' Answer and the Defendants' affidavits and record attached hereto and filed contemporaneously herewith.

PLEASE BE PRESENT IF SO MINDED.

HALIO & HALIO  
Attorneys for Defendants  
Dr. Marcus Schaefer and  
Nurse Paula Brodie

HALIO & HALIO, CHARLESTON, SOUTH CAROLINA



ELLIOTT T. HALIO

Fed. ID: 1670

13 N. Adgers Wharf / Box 747

Charleston, SC 29402-0747

(843) 577-5200

This 21 day of May 2003

Charleston, South Carolina

#### CERTIFICATION

This is to certify that the undersigned attorneys did this date serve the Notice of Motion and Motion for Summary Judgment of Defendants, Marcus Schaefer, M.D. and Paula Brodie, RN, upon the parties below listed by mailing a copy of the same to their appropriate addresses, Mr. Paul K. Valdez, c/o P. Valdez, 103 Ruffin Road, Summerville, SC 29483 and Sandra J. Senn, Esquire, Post Office Box 12279, Charleston, SC 29422-, postage prepaid on this 21 day of May, 2003.

HALIO & HALIO

Attorneys for Defendants

Marcus Schaefer, M.D. and

Paula Brodie, RN



ELLIOTT T. HALIO

Fed. ID No. 1670

13 N. Adgers Wharf / Box 747

Charleston, SC 29402-0747

(843) 577-5200